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Judge John M. Johnson: An Appreciation of a Citizen *

BY MRS. S. S. HARRELL, Brookville, Ind.

There are a number of characters connected with the early history of Brookville that might serve as a foundation for many romances of the White Water Valley. Some of them imbued with a sorrowful and pathetic interest, others of a nature to appeal to the funny and ludicrous side of life. If we had only preserved the fireside tales of our ancestors—tales of travels to, and the making of homes in, this locality, it would indeed read like fiction and nothing but their well-known characters for veracity would make some of them credible.

In the early courts of Franklin county it meant something more than office comfort to be a lawyer—something more than good moral character and a place to sit at east waiting a case. It meant many weary miles of travel through dense forests on foot or horseback to the various seats of justice.

The circuit then extended from Madison to New Castle—the latter then very new indeed. It was on one of these visits to the Northern Court at New Castle that the start was made for this "Appreciation of a Pioneer Citizen."

While attending this court General James Noble fell in with Chas. A. Test who had but recently left Brookville for a home in Rushville, and James Rariden who had left the same place for Centerville. On their homeward journey through unbroken forests they stopped for the night at the cabin of a hunter from Kentucky by the name of Johnston. It was said this man had been driven out of Kentucky because of his encroachments upon other people's hunting grounds. Be that as it may, in his journey westward he halted on our own Wolf Creek, but found it too thickly settled and moved on after the Twelve Mile Purchase had been made to where we now find him.

* Read before Brookville Historical Society March 2, 1915.

During the evening these gentlemen became much interested in a flaxen haired youth about 16 years old trying to read, by the fire-light, a borrowed volume of *Goldsmith's Rome*.

This to Gen. Noble's practical eye was a mark of great worth and after some consultation with his friends he resolved to offer this lad a home and opportunity. Always warm hearted and generous he acted at once.

He wished to educate his own sons free from manual labor so he proposed to this boy, John Milton Johnson, to go home with him and go to school, caring for horses, chopping wood, and doing chores in general for his board and keep.

The parents consented and in a very short time had their son fitted out in the best homespun they could afford for his trip to the "town of Great Men"—for Brookville at that time was the emporium of talent and learning for Indiana. Noble was known as a "general" and a "senator" and the boy who could step from the hunter's crude cabin into such a home as this was looked upon as quite a hero.

This lad was later known as Judge John Milton Johnston. He made a very rustic appearance when he first entered the Brookville school and in after years he took great delight in amusing his friends by the recital of incidents connected with that period in his history. His first school was in a private house (now occupied by Mrs. Celia Baker) taught by Isaac John, brother of Robt. John. His next and last teacher was Rev. Augustus Jocelyn. His preparatory education was completed in a little over one year under these teachers—his college education was the school of life under the guidance of his own ambition to become a useful man.

At first there was a disposition on the part of some of the scholars to ridicule—even in that early day—this linsey-woolsey country chap whose bashfulness then was no less against him, than in after years, as his bearing was always that of a modest, dignified gentleman not surpassed by his aristocratic benefactors.

Beneath his wild-wood country garb was a heart full of ambition and an earnest desire to obtain knowledge. The spirit which prompted the boy to gather shellbark in Henry county to make a light that he might read, could not be driven from its purpose by the jeers of a few boys who happened to be better dressed than he. He kept true to his purpose and lived to find himself, in the town of his adoption, far ahead of many of those whose youthful folly

made him the subject of jeers and jests if public confidence and an enviable position are regarded as marks of honor.

The Nobles removed to wider fields of action and usefulness but John Milton Johnston remained in Brookville for many years rearing a family of two sons and two daughters to maturity, proving himself all along the way a practical man of affairs.

After the year's schooling of which we have spoken young Johnston became a student of law in the office of McKinney & Noble and devoted all his time to study when not engaged as an all-round helper in the Noble household.

His life work while in our midst I will sketch as briefly as possible. To me, however, the chief interest has been the fact that in spite of ancestors and servitude, that might be depressing, he arrived, not on a blazed trail leading to a hunter's cabin in the woods, but on the great highway of success and a home in our midst and a citizenship of which any community might well be proud. Dr. Armstrong now occupies the house that was for many years the Johnston home.

In 1826 with some knowledge of the elementary principles of law he began to write in the county clerk's office under the direction of Enoch McCarty, then clerk of the court. This was the beginning of his independent career. His pay supplied his wants while the improved facilities which the office afforded, added constantly to his stock of legal knowledge. He continued with Mr. McCarty to the close of his term, in the end doing most of the duties of the office.

Robert John, brother of his first teacher, became clerk in 1831. This Robert John was the grandfather of one of our hostesses to-night, Mrs. John Bishop.

In 1829 Mr. Johnston had been examined and admitted to the bar by Judge Eggleston. So after remaining with Mr. John until he got the run of the books and papers in the office, he hung out his sign and began the practice of law in earnest, and was the first to fill the new office of probate judge. He at once began to untangle the old system of managing probate business and in a very short time inaugurated and put into operation a way of doing the work which was very satisfactory to the people of Franklin county, and for which they were very grateful.

He remained in the office just long enough to familiarize his friends with his new title of judge, a title which clung to him through life. His successor, Henry Berry, carried on the system

of probate business which he introduced and which for many years was said to have few equals and no superior in the State.

In 1831 he was elected Prosecuting Attorney of the Circuit then including Madison. In this election he received 340 more votes than James Conwell of Laurel and more than double the vote given Sed Noble, the college bred son of his benefactor. That this young man, but a few years removed from the hunter's cabin in the woods of Henry county, with little more than one year's schooling could defeat a Noble with a college education the very best that the period afforded, with the influence of money and parental popularity, is almost beyond belief. Such is the reward of character first. Had young Noble practiced a little of the service that came into the life of this boy who was paying as he went, his life might not have been blighted so early by habits of intemperance.

While yet prosecuting attorney in 1834 Johnston was elected to the State legislature. In 1835 he was re-elected defeating Enoch McCarty, the man who gave him his first remunerative job in the clerk's office. Both men were Whigs at this time. Later in the political upheaval Johnston became a Democrat.

After serving two terms in the legislature—then one year each—he returned to Brookville and resumed the practice of law, remaining out of the office about eight years. In the meantime he was a candidate for clerk against Robert John, who was a candidate for re-election. Mr. John was elected, Mr. Johnston meeting his first and only defeat when asking the votes of the people. Mr. John had made a good clerk and political lines were not yet drawn tightly enough to defeat him. However, at the next election, in 1844, Mr. Johnston was chosen for the office, assuming the duties Feb. 14, 1845, being elected for seven years. In 1851 he was re-elected under the old constitution for the same term. But the new constitution in 1852 reduced the term of office from seven to four years, therefore he lost three years of his second term. In 1855 he was again elected for four years.

He retired from the office Feb. 14, 1860, after fifteen years' service, succeeded by Henry Berry, who had been his successor as probate judge. But one man held the office of clerk of the court longer than Mr. Johnston, Enoch McCarty, who filled the office for seventeen years. Robert John held it fourteen years. In those day men were elected to office more because of personal fitness and

merit. The time was approaching, but had not yet arrived, when a candidate for office must depend wholly upon his party's strength.

When Mr. Johnston retired from the clerk's office after so many years untiring devotion to his work, his faithful services were fully appreciated and his honor and integrity as a citizen and county official proclaimed at the close of the circuit court, Wednesday afternoon, February 22, 1860, at which time Col. John W. Farquhar, George Holland, D. D. Jones, Judge Logan and others eloquently and appropriately set forth his merits, all of which were embodied in a set of resolutions which went upon the court records and also found a place in the public press. He was always referred to as the model clerk.

So much for the character of a man who was a part of Brookville during the best years of his life and also during the most critical periods of the town's history, that of recovering from the shock of the removal of the land office and the immediate pushing on of many of our people into the more level stretches of land north of us as farmers mostly. Those bent upon official life followed the land office.

Early in the sixties Mr. Johnston left Brookville, finally settling in Indianapolis, where he died many years ago.